

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
9:00 A.M., June 15, 2004

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
 - Invocation
 - Pledge of Allegiance
 - Approve the minutes of the previous meeting
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AWARDS AND PRESENTATIONS

- Proclamations
 - Recognition of Sister Cities Student Ambassadors to Orleans, France.
 - APWA Award for Environmental Projects.
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NEW BUSINESS

1. 2003 Comprehensive Annual Financial Report.

Kansas state law requires an annual audit of all City accounts to be performed by an independent certified public accounting firm at least annually. Additionally, an audit of the City's federal forfeiture program is required by the Bureau of Justice each year. The Comprehensive Annual Financial Report (CAFR) and the report on compliance required by the Bureau of Justice are for the year ended December 31, 2003.

RECOMMENDED ACTION: File the Comprehensive Annual Financial Report and the Independent Accountants' Report regarding compliance with administration of the Department of Justice Forfeiture Program for the year ended December 31, 2003.

2. Approval of Economic Development Incentive for AccuTel. (District II)

AccuTel is a wholly owned subsidiary of GMAC, the financing arm of the General Motors Corporation. In 2002, the State of Kansas offered AccuTel a forgivable loan under its Kansas Economic Opportunity Initiative Fund (KEOIF) program, which the company turned down because it could not accept a requirement that the company repay already forgiven portions of the loan in the event they cease operations prior to the end of the loan term. The disagreement over loan default penalties led AccuTel to choose Midland, Texas over Wichita for a major expansion in 2003.

RECOMMENDED ACTION: Approve the Guaranty Agreement between the City of Wichita and the Kansas Department of Commerce relating to the State's forgivable loan to AccuTel and authorize the necessary signatures.

3. Amendment to Theft Ordinances.

The City Code includes provisions on misdemeanor theft parallel to State law. The 2004 Legislature amended several criminal statutes. HU 2271, effective July 1, 2004, raises the threshold for misdemeanor theft and theft of services from \$500.00 to \$1000.

RECOMMENDED ACTION: Approve first reading of the Ordinance.

4. Initiate Downtown Trolley Lunch Route. (Districts I, IV, VI)

Wichita Transit operates a Trolley Division, totally separate from the Transportation (fixed route bus) Division. The Trolley Division is self-sustaining, gaining its revenue from charter fees and advertising. Presently, trolley service includes: charters, the holiday light tours, River Festival lunch shuttles, Museum-a-la-Carte shuttles and the Discover Historic Wichita tours.

RECOMMENDED ACTION: Approve the Trolley Lunch route as proposed, contingent on DDC participation, and the six-point plan for trolley shuttles in the future.

5. HOME CHDO Housing Development Funding Agreement. (Districts I, III, IV, V, VI)

On March 16, 2004, the City Council approved an allocation of \$350,000 in HOME funds for housing development projects to be carried out by four of the City's designated Community Housing Development Organizations (CHDO's), as part of the Consolidated Plan funding process.

RECOMMENDED ACTION: Approve the HOME funding contracts for MHRS, CHS, Power CDC and WIC, the new funding agreement for the boarded-up HOME Program, and authorize the necessary signatures.

CITY COUNCIL AGENDA

6. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

CONSENT AGENDA

7. Report of the Board of Bids and Contracts Dated June 14, 2004.

RECOMMENDED ACTION: Receive and file report; approve Contracts; authorize necessary signatures.

8. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
Peter N. Soukamnenth Richard A. Diamond	Thai-Lae Café* Ty's Diner Inc.*	2433 South Hillside 928 West Second Street
<u>Renewal</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
Kulwinder S. Jaswal	Petro America Quick Mart	2700 North Amidon
<u>New Operator</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Edward J. Roitz Edward J. Roitz	Fleming Convenience F190 Fleming Convenience F195	233 South Maize Road 10304 West 13th Street

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

9. Preliminary Estimates:

- a) Hydraulic, 47th Street South to 57th Street South - (87N-0303-01/472-83902/448-89923/706877/606130/204343/774525) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$4,550,000.00
- b) Storm Water Sewer #604 to serve Krug North Addition - north of 21st Street North, west of 143rd Street East. (468-83794/751365/485256) Does not affect existing traffic. (District II) - \$422,000.00
- c) Ridge Port from the north line of the plat, south to the north line of Brookview; Conrey from the west line of Ridge Port, west to the west line of Hazelwood; Hazelwood from the south line of Conrey south to the north line of Brookview; Brookview from the west line of Hazelwood, east to the east line of the plat; Ridge Port Court (Lots 1 through 9, Block A) from the east line of Ridge Port, east to and including the "T" intersection; Ridge Port Court (Lots 10 through 18, Block A) from the east line of Ridge Port, east to and including the "T" intersection; Brookview Circle from the west line of Brookview, west to Lot 13, Block B. Sidewalk along one side of Ridge Port, Conrey, Hazelwood and Brookview to serve Ridge Port North 5th Addition - south of 37th Street North, east of Ridge. (472-83649/765853/490964) Does not affect existing traffic. (District V) - \$690,000.00
- d) 2004 Sanitary Sewer Rehabilitation Phase C - north of MacArthur, west of Rock Road. (468-83779/620404/664524) Traffic to be maintained during construction using flagpersons and barricades. (Districts II,III,IV) - \$310,000.00
- e) Lateral 3, Main 14 Four Mile Creek Sewer to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (468-83568/744054/480742) Does not affect existing traffic. (District II) - \$69,000.00
- f) Provide a third northbound lane with curb, gutter and drainage along K-15 (Southeast Boulevard) from 31st Street South to I-135; provide Mill and Overlay with Reflective Crack Relief Interlayer and Shoulder Repair on K-15 from KTA (I-35) to I-135 - K-15 from 31st Street South to I-135. (87K8014-01/472-83363/706815/ 201281) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$739,652.20
- g) 2004 Street Rehabilitation: Hydraulic, K-96 to 37th Street South; Seneca, 53rd Street South to 61st Street North (472-83925/706881/132716/620398/204347/_/664518) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,VI) - \$466,800.00
- h) 2004 Sanitary Sewer Reconstruction, Phase 5 - south of 21st Street North, west of Webb and east of West Street. (468-83814/620405/664525) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,VI) - \$288,000.00
- i) Lateral 272, Main 5, Sanitary Sewer #22 to serve Steve Kelley 5th Addition - south of 13th Street North, east of Hoover. (468-83801/744055/480743) Does not affect existing traffic. (District VI) - \$98,000.00
- j) Lateral 14 Northwest Interceptor Sewer to serve Fox Ridge Addition - north of 29th Street North, east of Maize. (468-83812/744059/480747) Does not affect existing traffic. (District V) - \$302,000.00
- k) Main 7 Northwest Interceptor Sewer - between Maize & 119th St. West, and between 29th & 37th St. North. (468-83502/744058/480746) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$845,000.00

RECOMMENDED ACTION: Approve and file.

10. Consideration of Street Closures/Uses.

- a) Interfaith Ministries Block Party/Annual Assembly-Thursday, June 24, 4:00-8:00 p.m.
- b) Automobilia Moonlight Car Show & Street Party-Saturday, July 10, 6:00 p.m.-midnight.
- c) Sole Sisters 5K-Saturday, July 10, 7:15-9:15 a.m. (main part of race on river bike path).

RECOMMENDED ACTION: Approve street closures/uses.

11. Report on Claims Allowed – May 2004:

<u>Name of Claimant</u>	<u>Amount</u>
Hogan, Jennifer	\$273.19
Miller, Phillip L.	\$159.48
Oeser, Justin	\$250.00**
Wachsmuth, Eleanor E.	\$132.34

** Settled for lesser amount than claimed.

RECOMMENDED ACTION: Receive and file.

12. Agreements/Contracts:

- a) CDBG Contract-Youth Recreation and Enrichment Program.
- b) CDBG Contract-Communities in Schools.
- c) CDBG Contract-Community Housing Services Wichita/Sedgwick County.
- d) Contracts for relocation of Westar transmission and distribution lines for the West 13th Bridge at Cowskin Creek and 13th Street, Cedar Park to 119th Street West Projects. (District V)
- e) Laboratory Contractual Services. (District VI)
- f) Renewal of Food Services Establishment Inspection Contract.
- g) Subsurface Exploration and Geotechnical Engineering Services for WaterWalk Project Agreement.
- h) Licensing Agreement.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

13. Design Review Process and Guidelines.

RECOMMENDED ACTION: Approve design review process and the design guidelines for use in City projects.

14. Appointment for Loan Committee.

RECOMMENDED ACTION: Appoint Rich Meyer to serve on the Loan Committee.

15. Century Plaza Parking Lot Adjacent to the Century Plaza Building, Bounded by Douglas, Main and Century II Drive. (District I)

RECOMMENDED ACTION: Adopt the Resolution and authorize the budget increase.

16. 2005 Victims of Crime Act (VOCA) Grant.

RECOMMENDED ACTION: Approve the grant application and authorize the necessary signatures.

17. Purchase Telephone Equipment for Environmental Health Department.

RECOMMENDED ACTION: Approve the purchase of telephone equipment from Siemens Information and Communication Networks, Inc., in the amount of \$22,402.00.

18. Purchase Telephone Equipment for Housing Department.

RECOMMENDED ACTION: Approve the purchase of telephone equipment from Siemens Information and Communication Networks, Inc., in the amount of \$22,402.00.

19. Purchase of two (2) buses.

RECOMMENDED ACTION: Approve the purchase of two Gillig buses.

20. Second Reading Ordinances: (First read June 8, 2004)

a) Charter Ordinance Amendments-Municipal Court Procedures.

A Charter Ordinance of the City of Wichita, Kansas, relating to the code of procedure for municipal courts; amending Section 3 of Charter Ordinance no. 164, Section 1 of Charter Ordinance 170, and Section 4 of Charter Ordinance No. 122; and repealing the original of said Sections.

b) Sidewalk Cleaning Assessments.

An Ordinance making a special assessment to provide a tax levy for the cost of sidewalk cleaning in the City of Wichita, Kansas.

c) Sidewalk Cafes-Structural Design.

An Ordinance amending Section 4.16.070 of the Code of the City of Wichita, Kansas pertaining to private clubs

d) 9th Street Bridge at the Westlink Ditch, between Maize and Tyler. (District V)

An Ordinance declaring the 9th Street Bridge at the Westlink Tributary to Cowskin Creek (472-84021) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

e) Murdock Bridge over the Little Arkansas River. (District VI)

An Ordinance amending Ordinance no. 45-950 of the City of Wichita, Kansas declaring Murdock Bridge over the Little Arkansas River (472-83895) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same.

f) Sidewalk Repair Assessments.

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of Sidewalks in the City of Wichita, Kansas.

g) ZON2004-00016-Zone Change from Single-family Residential to General Commercial. Generally located at the northwest corner of 29th Street North and Park Place. (District VI)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON 2004-00016

h) ZON 2002-29 - northwest corner of Maize Road and 37th Street North. (District V)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. (ZON 2002-29)

(item 20 continued)

- i) ZON 2003-65 - south of Central, on the west side of Maize. (District V)

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON 2003-65

RECOMMENDED ACTION: Adopt Ordinances.

21. First Reading Ordinance.

- a) Nuisance Abatement Assessments.

RECOMMENDED ACTION: Approve the proposed assessments
and place the ordinance on first reading.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

*Consent Items

22. *ZON2004-13-Zone Change from Manufactured Housing and Limited Industrial to Single-family Residential, Generally Located North of MacArthur and West of West Street. (District IV)

RECOMMENDED ACTION: 1. Adopt the findings of the MAPC and approve the zone change subject to the condition of platting within one year; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or
2. Return the application to the MAPC for reconsideration.

23. *CUP2004-00014-Associated with ZON2004-00023-Create DP275 Kenny Rogers Commercial Community Unit Plan; Zone Change to Limited Commercial. Generally Located South of 53rd Street North and East of Hillside. (District I)

RECOMMENDED ACTION: 1. Adopt the findings of the MAPC and approve the zone change and CUP subject to the condition of platting within one year and the recommended conditions; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council; or
2. Return the application to the MAPC for reconsideration.

24. *ZON2004-21-Zone Change from Multi-family Residential to General Office and Limited Commercial with a Protective Overlay, Protective Overlay #140. Generally Located Approximately 760 Feet South of the Maple Street, 135th Street West Intersection on the East Side of 135th Street West. (District V)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and
Approve the zone change subject to the additional
Recommended provisions of a Protective Overlay
District; place the ordinance establishing the zone
Change on first reading; or
2. Return the application to MAPC for reconsideration.

25. *SUB 2000-88-Plat of Rio Vista Estates Addition, on the Northwest Corner of 61st Street North and Meridian Avenue. (District VI)

RECOMMENDED ACTION: Approve the documents and plat, authorize the
Necessary signatures and adopt the resolutions.

26. *SUB 2004-11-Plat of Prairie Villa at Beacon Hill Addition, Located East of Oliver, North of 21st Street North. (District I)

RECOMMENDED ACTION: Approve the Document and Plat; authorize the
necessary signatures; adopt the Resolution and
approve first reading of the Ordinance.

27. *VAC2003-00035-Request to Vacate Platted Floodways Located Northwest of the 29th Street North, K-96 Interchange and Northeast of the Cypress Street, 29th Street North Intersection. (District II)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the
necessary signatures.

28. *VAC2004-00008-Request to Vacate a Portion of a Platted Drainage Easement Located Southwest of the Maize Road-Pawnee Avenue Intersection more Specifically the Southwest Corner of Maize Court. (District IV)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the
necessary signatures.

29. *A04-17-Request by Kelsey Investments, Inc. to Annex Land Generally Located Northwest of the 135th Street West and 13th Street North.

RECOMMENDED ACTION: Approve the annexation request and first reading
of the Ordinance.

30. *A04-18-Request by Wichita United Methodist District Union to Annex Land Generally Located Northeast of the Intersection of 119th and Pawnee Road.

RECOMMENDED ACTION: Approve the annexation request and first reading
of the Ordinance.

Adjournment
